

FILED

FEB 28 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS TULLY,

Defendant.

Civil Action No. 5:06cr00005

MEMORANDUM OPINION

By: Samuel G. Wilson
United States District Judge

Thomas Tully, an inmate at the Coffeewood Correctional Center, has filed a petition in this court he calls a "petition for writ of habeas corpus" pursuant to 28 U.S.C. § 2255, and has named the "Superintendent of the Orange County Jail" as the respondent. The only criminal proceedings in this court that would be subject to a § 2255 motion, however, last occurred on June 6, 2006, when this court revoked Tully's supervised release and sentenced him to 24 months imprisonment.¹ Tully appealed, and the Court of Appeals affirmed this court's decision on December 19, 2006. United States v. Tully, 210 Fed. App'x 327 (4th Cir. 2006). However, almost nothing in Tully's "petition" concerns the revocation of Tully's supervised release. Nearly all of it is directed to, or concerns, state court criminal proceedings in Frederick County, Virginia. Indeed, a refrain throughout Tully's "petition" is a request for "habeas relief in the form of dismissal of all of the state criminal convictions." Those convictions, however, were the subject of a habeas proceeding pursuant to 28 U.S.C. § 2254 which Tully filed in the Eastern District of Virginia and that court dismissed on February 23, 2011. Tully v. Johnson, 3:10cv299 (E.D. Va. Feb. 23, 2011). Since Tully's "petition" contains no intelligible challenge to the

¹ The case originated in the Eastern District of Virginia, which transferred jurisdiction over Tully's supervised release to this court on February 7, 2006.

revocation of his supervised release, the court will dismiss this matter from the docket without prejudice.

Entered this 28th day of February, 2011.

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UNITED STATES DISTRICT JUDGE